

AMENDED IN SENATE JULY 22, 2003

AMENDED IN SENATE JUNE 26, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 159

Introduced by Assembly Member Jerome Horton

January 22, 2003

An act to add Section 19636 to the Government Code, relating to state employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 159, as amended, Jerome Horton. State employees: discrimination action.

Existing law permits individuals, including public employees, to file with the Department of Fair Employment and Housing complaints alleging discrimination in employment based on various grounds, and to bring judicial actions regarding these complaints under specified circumstances.

This bill would provide that a discrimination action filed under the California Fair Employment and Housing Act (FEHA) may not be barred on grounds that the aggrieved person failed to exhaust his or her ~~internal or~~ state civil service administrative remedies. The bill would further declare the intent of the Legislature to abrogate the holding in *Schifando v. City of Los Angeles* (2002) 97 Cal.App.4th 312.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19636 is added to the Government
2 Code, to read:

3 19636. (a) A discrimination action filed under the California
4 Fair Employment and Housing Act (FEHA) (Chapter 1
5 (commencing with Section 12900) of Division 3 of Title 2) may
6 not be barred on grounds that the aggrieved person failed to
7 exhaust his or her ~~internal or~~ state civil service administrative
8 remedies.

9 (b) It is the intent of subdivision (a) to abrogate the holding in
10 *Schifando v. City of Los Angeles* (2002) 97 Cal.App.4th 312,
11 which held that a person must exhaust not only the administrative
12 remedies provided by FEHA, but also his or her ~~internal or~~ civil
13 service administrative remedies; prior to bringing a discrimination
14 action under FEHA.

